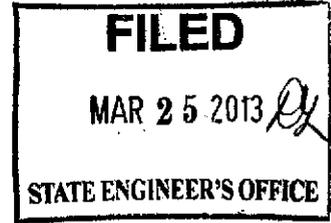


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 82491  
FILED BY McEwen Mining Inc.  
ON January 29, 2013



PROTEST



Comes now Etcheverry Family Ltd. Partnership

Printed or typed name of protestant

whose post office address is 7933 Calloway Drive, Bakersfield CA, 93314

Street No. or PO Box, City, State and ZIP Code

whose occupation is Farming and Ranching

and protests the granting

of Application Number 82491

, filed on January 29

, 2013

by McEwen Mining Inc.

for the

waters of an underground source

situated in Pine Valley

an underground source or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

See Attachment 1

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THEREFORE the Protestant requests that the application be

Denied

Denied, issued subject to prior rights, etc., as the case may be

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed

Agent or protestant

Therese A. Ure, Schoreder Law Offices, P.C. (Agent)

Printed or typed name, if agent

Address

440 Marsh Avenue

Street No. or PO Box

State of Nevada

Reno, NV 89509

City, State and ZIP Code

County of Washoe

(775) 786-8800

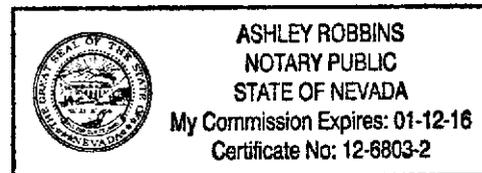
Phone Number

Subscribed and sworn to before me on 3/21/2013

counsel@water-law.com

E-mail

by Ashley Robbins



Notary Stamp or Seal Required

Signature of Notary Public Required

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

**In the Matter of Application Number 82491 (Protest)**

Attachment 1: Protest Grounds

1. Application 82491 is deficient because it identifies a place of use that is larger than that required for the purposes stated therein, that is, mining, milling and domestic.
2. Application 82491 is deficient because it states that water will be used for fire and dust suppression, however, the only purposes applied for are mining, milling and domestic.
3. Application 82491 is deficient because it proposes to store water, but fails to include required information about the proposed storage.
4. Application 82491 is deficient because it fails to provide satisfactory proof regarding the Applicant's financial ability.
5. Application 82491 is deficient because it fails to describe proposed works, including the manner in which water is to be diverted, diversion structure, ditches and flumes, drilled well with a pump and motor, etc.
6. If granted, Application 82491 will conflict with existing rights or protectable interests in existing domestic wells.
7. If granted, Application 82491 will prove detrimental to the public interest.
8. If granted, Application 82491 will cause an unreasonable lowering of the static water level at appropriators' points of diversion.
9. If the use is granted, this use will adversely affect the cost of water use for other holders of water in the hydrographic basin, including the likelihood of increased pumping from lowered water table access depths.
10. This application is in conflict with and will be detrimental to the public interest as this stressed ground water table will suffer further draw down causing a strain on the water resource in this hydrographic basin.
11. If Application 82491 is granted, the permit must contain express conditions to ensure existing appropriations will be satisfied.
12. Given the designated state of the Pine Valley hydrographic basin, the State Engineer should require a study prior to granting additional withdrawals from this aquifer.

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